

Docket No.: 043888-0395



*JFW*  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 53080  
Masaya UGAJI, et al. : Confirmation Number: 6442  
Application No.: 10/551,935 : Group Art Unit: 1795  
Filed: October 04, 2005 : Examiner: Maria J. LAIOS  
For: SOLID ELECTROLYTE AND ALL SOLID STATE BATTERY CONTAINING THE SAME

**RESPONSE UNDER 37 C.F.R. § 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 9, 2008, wherein a three-month shortened statutory period for response is set to expire on January 9, 2009, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

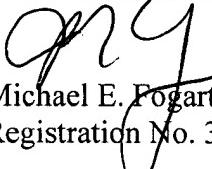
Claims 1 and 4-7 are pending.

The Examiner rejected claims 1 and 4-7 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 and 9 of copending application No. 10/575,889. Since allowable subject matter has not been indicated in application No. 10/575,889, and the instant application is the earlier filed application, Applicants respectfully request that the provisional double-patenting rejection be withdrawn and the case passed to issue. If necessary, a terminal disclaimer can be filed in application No. 10/575,889.

Having fully responded to all matters raised in the Office Action, Applicants submit that an indication for allowable subject matter is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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**Date: December 3, 2008**

**Please recognize our Customer No. 53080  
as our correspondence address.**